

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

PONGPIT RAKWICHIAN,

Petitioner,

v.

JEH JOHNSON, et al.,

Respondents.

CASE NO. C15-1941-MJP

REPORT AND RECOMMENDATION

Proceeding through counsel, petitioner filed the instant 28 U.S.C. § 2241 habeas petition, challenging the length of his detention at the Northwest Detention Center in Tacoma, Washington. (Dkt. 1.) Respondents moved to dismiss, arguing that petitioner's detention was statutorily authorized and he was not entitled to a bond hearing. (Dkt. 4.) Subsequently, petitioner was removed to Thailand. (Dkt. 8-1.) The parties agree the matter is now moot. (Dkt. 8.)

Under Article III of the U.S. Constitution, federal courts may adjudicate only actual, ongoing cases or controversies. *Deakins v. Monaghan*, 484 U.S. 193, 199 (1988). "For a habeas petition to continue to present a live controversy after the petitioner's release or deportation . . . there must be some remaining 'collateral consequence' that may be redressed by success on the

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petition.” *Abdala v. I.N.S.*, 488 F.3d 1061, 1064 (9th Cir. 2007). Because petitioner’s habeas petition challenges only the length of his detention at the Northwest Detention Center, his claims were fully resolved by release from custody. *See id.* at 1065. Accordingly, there is no collateral consequence that could be redressed by the Court, and petitioner’s habeas petition must be dismissed as moot. *See id.*

For the foregoing reasons, the Court recommends that respondents’ motion to dismiss (Dkt. 4) be GRANTED; petitioner’s habeas petition (Dkt. 1) be DENIED as moot; and this action be DISMISSED without prejudice. A proposed order accompanies this Report and Recommendation.

DEADLINE FOR OBJECTIONS

Objections to this Report and Recommendation, if any, should be filed with the Clerk and served upon all parties to this suit within **twenty-one (21) days** of the date on which this Report and Recommendation is signed. Failure to file objections within the specified time may affect your right to appeal. Objections should be noted for consideration on the District Judge’s motions calendar for the third Friday after they are filed. Responses to objections may be filed within **fourteen (14) days** after service of objections. If no timely objections are filed, the matter will be ready for consideration by the District Judge on **March 25, 2016**.

DATED this 2nd day of March, 2016.



Mary Alice Theiler
United States Magistrate Judge